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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BUZZFEED, INC.,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

No. 17 Civ. 7949 (VSB)

ANSWER

Defendant U.S. Department of Justice, by and through its attorney, Joon H. Kim, Acting United States Attorney for the Southern District of New York (the “Government”), answers the allegations in the Complaint, upon information and belief, in the following numbered paragraphs, which correspond to the Complaint’s numbered paragraphs, as follows:

1. The first sentence of Paragraph 1 contains Plaintiff’s characterization of this case to which no response is required.

2. Paragraph 2 contains Plaintiff’s characterization of the case to which no response is required, except Defendant admits that the U.S. Department of Justice Office of the Inspector General (“OIG”) did prepare a Report of Investigation, dated May 1, 2017 (the “OIG Report”),

regarding an investigation it conducted, and respectfully refers the Court to the cited documents for a true and complete statement of their contents.

3. Admits.
4. Admits.
5. Paragraph 5 contains legal conclusions to which no response is required.
6. Paragraph 6 contains legal conclusions to which no response is required.
7. Paragraph 7 contains legal conclusions to which no response is required.
8. Admits, and respectfully refers the Court to OIG's website

(<https://oig.justice.gov/reports/inv-findings.htm>), from which the quoted language was taken, for a complete and accurate statement of its content.

9. Admits, and respectfully refers the Court to OIG's website

(<https://oig.justice.gov/reports/inv-findings.htm>), from which the quoted language was taken, for a complete and accurate statement of its content.

10. Admits, and respectfully refers the Court to OIG's website

(<https://oig.justice.gov/reports/inv-findings.htm>), from which the quoted language was taken, for a complete and accurate statement of its content.

11. Admits, and respectfully refers the Court to OIG's website

(<https://oig.justice.gov/reports/inv-findings.htm>), from which the quoted language was taken, for a complete and accurate statement of its content.

12. Denies, except admits that OIG issued investigative summaries with the listed titles, and respectfully refers the Court to OIG's website (<https://oig.justice.gov/reports/inv-findings.htm>) for a complete and accurate statement of its content.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13, excepts admits that Zoe Tillman submitted a FOIA request for the OIG Report that was summarized in an investigative summary posted to the OIG website on May 16, 2017, entitled “Findings of Misconduct by a Former United States Attorney for Having an Inappropriate Relationship with a Subordinate,” and respectfully refers the Court to Ms. Tillman’s FOIA request for a full and accurate statement of its content.

14. Admits.

15. Admits that the Complaint quotes in full the investigative summary, which speaks for itself.

16. Admits.

17. Denies the characterization of the release of the OIG Report, but admits that OIG released to Ms. Tillman a copy of the OIG Report with redactions.

18. Paragraph 18 contains legal conclusions to which no response is required, and to the extent a response is required, Paragraph 18 is denied, except that Defendant admits that OIG redacted the identities of the U.S. Attorney and the Supervisory AUSA from the redacted OIG Report that was released.

19. Denies, except admits that Exhibit C consists of the cover letter sent with OIG’s release in response to Ms. Tillman’s FOIA request.

20. Admits, and respectfully refers the Court to the quoted document for a full and accurate statement of its content.

21. Admits.

22. Denies the characterization of DOJ's Office of Information Policy's ("OIP") denial of Ms. Tillman's appeal, but admits that on September 18, 2017, OIP affirmed OIG's decision to release the OIG Report with redactions.

23. Admits.

24. Defendant incorporates its foregoing responses to the allegations in the corresponding paragraphs in the Complaint as if fully set forth herein.

25. Denies.

26. The last unnumbered paragraph starting with "Wherefore" contains Plaintiff's prayer for relief to which no response is required. To the extent a response is required, denies that Plaintiff is entitled to the requested relief or any other relief.

DEFENSE

The redacted portions of the requested document are exempt from disclosure. *See* 5 U.S.C. § 552(b).

WHEREFORE, Defendant respectfully requests that this Court enter judgment dismissing the Complaint in its entirety with prejudice, and grant such other relief as the Court deems just and proper.

Dated: New York, New York
November 16, 2017

JOON H. KIM
Acting United States Attorney
Southern District of New York

By: /s/Arastu K. Chaudhury
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